

Owner/Agent: Ronald McCurdy and Claudia
Laschet / Rick Miller, Miller & Urso
Surveying

Date of Decision: April 28, 2022

File Number: 48-C-216463

Date of Notice: April 28, 2022

**Municipality /
Township:** Phelps unincorporated township,
Nipissing District

Last Date of Appeal: May 18, 2022

Location: PIN 49123-0053 (LT), S ½ Lot 13, Concession 5 (to be severed); PIN 49123-0051 (LT), Part 1 Plan 36R-6484 (benefitting); all lands in Phelps unincorporated township, Nipissing District, on Folkstone Road.

NOTICE OF DECISION

On Application for Consent Subsection 53(17) of the *Planning Act*

On April 28, 2022 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 48-C-216463 in respect of land in Phelps unincorporated township, District of Nipissing. A copy of the decision is attached.

When and How to File a Notice of Appeal

Notice to appeal the decision to the Ontario Land Tribunal must be filed with the Minister of Municipal affairs and Housing on or before the last date of appeal as noted above.

The notice of appeal should be sent to the attention of Michelle Lawrence, Assistant Planner, at the address shown below and it must,

- 1) set out the reasons for the appeal, and
- 2) be accompanied by the fee prescribed under the *Ontario Land Tribunal Act* in the amount of \$400.00, payable to the Minister of Finance.

Who Can File a Notice of Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

How to Receive Notice of Changed Conditions

The conditions of a provisional consent may be changed at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you make a written request to be notified of changes to the conditions of approval of the provisional consent.

Getting Additional Information

Additional information about the application is available for public inspection during office hours at the address shown below. Please note that due to the ongoing COVID 19 pandemic office hours may be irregular; in advance of visiting the office please reach out

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to Michelle Lawrence, Assistant Planner at michelle.lawrence@ontario.ca or 1-800-461-1193 extension 46855 to confirm hours.

Mail Address for Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office North (Sudbury),
401-159 Cedar Street
Sudbury, ON P3E 6A5

Attention: Michelle Lawrence, Assistant Planner
Telephone: 1-800-461-1193 extension 46855



Megan Grant
Team Lead - Planning
Community Planning and Development
Municipal Services Office North (Sudbury)

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The Minister's conditions to the granting of consent for this transaction, **which must be fulfilled within two years from the date of the Notice of Decision**, are set out below. These conditions must be fulfilled prior to the granting of consent.

No. Conditions

1. That this approval applies to permit the lot addition of approximately 0.6841 hectares of land from PIN 49123-0053 (LT) to be added to PIN 49123-0051 (LT), as applied for, in the above noted location in the Phelps unincorporated township, District of Nipissing.
2. That the following documents be provided for the transaction described in Condition 1:
 - a. A copy of the application to transfer documents;
 - b. A schedule to application to transfer on which is set out the entire legal description of the parcel(s) in question. This schedule must also contain the names of the parties indicated on application to transfer; and
 - c. A reference plan of survey illustrating the parcel(s) to which the consent approval relates, or legal description thereof which is acceptable to the land registrar, which bears the Land Registry Office registration number and a signature as evidence of its deposit therein.
3. That an application to consolidate the parcels is prepared and an undertaking from the person registering the documents shall be required agreeing to register the consolidations once the land transfers have been registered.

The following notes are for your information:

No. Notes

1. It is the applicant's and/or agent's responsibility to fulfil the conditions of consent approval within two years of the date of this letter pursuant to Section 53(41) of the *Planning Act*. **We will issue no further notice or warning of the expiration of the two-year period.**

If the conditions to consent approval are not fulfilled within two years of the date of

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this letter and the applicant is still interested in pursuing the proposal, a new application will be required. All documentation required for final approval should be provided to the Ministry of Municipal Affairs and Housing a minimum of one month prior to the lapsing date.

2. The required Transfer Application form and Schedule page shall contain a complete and accurate legal description. The Minister's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

If the applicant(s), in making the application for consent,

- a) requested that the certificate be given;
- b) provided a registrable legal description of the retained land; and
- c) provided a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Planning Act.

then the Minister will give the applicant a certificate for the retained land.

Inaccuracies or omissions with regard to the legal description in the Transfer Application form, the Schedule page or the survey plan will result in the documents being returned without consent.

3. For future reference, building permits are not required in areas without municipal organization, but all buildings are required to comply with the provisions of the Ontario Building Code. If you have any questions regarding the building code please direct your questions to the Building and Development Branch of the Ministry of Municipal Affairs and Housing, 16th Floor, 777 Bay Street, Toronto, Ontario M5G 2E5, at 416-585-6666, or at codeinfo@ontario.ca.
4. Please notify the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) at archaeology@ontario.ca or 416-314-7620 if archaeological resources are impacted by any ground disturbing work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to

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carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

5. For information about protecting your property from wildland fire, please visit the following website: <https://www.ontario.ca/page/firesmart>.
6. The attached *Client's Guide to Preliminary Screening for Species at Risk* can be used to determine potential for conflicts with species subject to the *Endangered Species Act* (ESA). Should the results of the screening identify species at risk on the property that may be impacted by planned development, the results of this screening, along with a completed check-list should be provided to SAR Ontario Branch (SAROntario@ontario.ca) prior to any development.

If activities that could impact species at risk or their habitat are planned, then the person undertaking those activities would need to determine if an ESA authorization is required before the activities are undertaken. Please visit "How to avoid authorization" and "Permit types" (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) for more information. A person carrying out an activity may also wish to consult the Act and seek legal advice to understand their legal obligations.

